REMARKS

The Invention

The disclosed method comprises receiving at least one rule defining a member of the dynamic group in association with a group address; and populating the dynamic group with members from the mobile stations determined in accordance with the at least one rule. Rules may be defined with reference to presence and/or location information available for the mobile stations. Such information may be published on behalf of the stations to one or more servers adapted to identify mobile stations matching the rules. The method may comprise subscribing to the servers to obtain the matching mobile stations with which to populate dynamic group addresses.

Status of the Claims

Claims 65-117 are pending in the application.

Claims 1-64 have been canceled.

Claims 65-71, 74, 75, 79-81, 83, 84, 86, 87, 94-100, 103-110, 113, 114 and 116 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Torvinen et al.* (U.S. Patent Publication No. 2005/0113123) in view of *Forsyth* (U.S. Patent No. 7,047,030).

Claims 72, 73, 101, 102, 111 and 112 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Torvinen et al.*(2005/0113123) in view of *Forsyth* ('030) and further in view of *Amir* (WO 01/97539)

Claims 77 and 78 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Torvinen et al.* (2005/0113123) in view of *Forsyth* ('030) and further in view of *Griffin et al* (U.S. Patent No. 7,072,941).

Claim 85 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Torvinen et al.* (2005/0113123) in view of *Forsyth* ('030) and further in view of *Laiho* (U.S. Patent No. 6,097,942).

Claim 86 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Torvinen et al.* (2005/0113123) in view of *Forsyth* ('030) and further in view of *Chandhok et al.* (U.S. Patent Publication No. 2004/0198376).

Claims 89-92 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Torvinen et al* (2005/0113123) in view of *Forsyth* ('030) and further in view of *Leigh et al.* (U.S. Patent No. 5,535,426).

Claim 93 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Torvinen et al.* (2005/0113123) in view of *Forsyth* ('030) and further in view of *Requna* (U.S. Patent Publication No. 2002/0126701).

Claims 94-102 are rejected for the same reason as set forth in Claims 65-73.

Claims 103-112 are rejected for the same reason as set forth in Claims 65-73.

Claims 65-71, 74, 75, 79-81, 83, 84, 86, 87, 94-100, 103-110, 113, 114 and 116; Rejected under 35 U.S.C. § 103(a)

Claims 65-71, 74, 75, 79-81, 83, 84, 86, 87, 94-100, 103-110, 113, 114 and 116 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Torvinen et al.* (U.S. Patent Publication No. 2005/0113123) in view of *Forsyth* (U.S. Patent No. 7,047,030). The Applicants have carefully considered the Examiner's rejections. All rejections are traversed for the reasons that follow.

Claim 65 is directed to a method of creating and managing a group of mobile stations for a communication session in a communications network. The communication session is one in which users of respective mobile stations communicate with one another. The method comprises the steps of publishing information about one or more particular users of respective mobile stations to the communications network, and receiving at least one rule for defining a member of a group. The at least one rule is defined by criteria comprising published information about respective users of mobile stations and is received in association with a group address. The group is then dynamically populated with members having published information that matches the published information criteria of the at least one rule.

Torvinen is concerned with location information. As stated in Applicants' previous replies, *Torvinen* describes a method and system for organizing a group session between members based on their location or proximity and the technical capabilities considered to be necessary to engage in the group session as determined by the organizing terminal. While *Torvinen* makes brief reference to presence servers, *Torvinen*

does not teach or suggest using presence information to dynamically create a group for a group communication session. At page 3 of the Office Action of December 4, 2006, the Examiner admits that *Torvinen* does not disclose publishing information about one or more particular users of respective mobile stations to the communications network. The Examiner attempts to cure the deficiencies of *Torvinen* with reference to *Forsyth*. Specifically, the Examiner states that *Forsyth* teaches in an analogous art a method of creating and managing a group of mobile stations for a communication session in a communications network and publishing information about one or more particular users of respective mobile stations to the communications network. The Examiner cites Column 16, lines 43-46, to support this position.

Contrary to the Examiner's contention, *Forsyth* is not analogous art to the teachings of *Torvinen*. In reality, the teachings of *Forsyth* and *Torvinen* substantially diverge. *Forsyth* discloses a group communication method where a user must specifically send messages to chosen recipients. The user may arrange the recipients into groups and manage conversations or discussions using various forums. There would be no motivation for one skilled in the art reviewing the teachings of *Torvinen*, which concerns a method and system for organizing a group session between members based on their location or proximity and the technical capabilities considered to be necessary to engage in the group session as determined by the organizing terminal (*i.e.*, which is an automatic process), to modify the teachings of *Torvinen* with the teachings of *Forsyth*, which is a manual process requiring recipients to be specifically selected or chosen. In this respect, *Forsyth* and *Torvinen* explicitly teach away from each other.

Further, the Applicants respectfully disagree with the Examiner's characterization of *Forsyth*. The section of *Forsyth* cited by the Examiner refers to status and other published presence information of other group personae. This status and published presence information is further explained, for example, at paragraph 10, lines 20-32, of *Forsyth*. The status and published presence information referred to by *Forsyth* is specifically set by a user and is used after the user has already responded to a message sent by another user and joined that user's group, thereby allowing users of the group to see the user's status. In other words, *Forsyth* discloses publishing group member presence information after a group is created and after members have joined the group.

Forsyth does not teach or suggest using published information to define group membership rules. This is in direct contrast to the presently claimed subject matter, which recites a method comprising the steps of publishing information about one or more particular users of respective mobile stations to the communications network, and receiving at least one rule for defining a member of a group. The at least one rule is defined by criteria comprising published information about respective users of mobile stations and is received in association with a group address. In other words, as presently claimed, group membership is dependent, at least in part, on the published information about the users of the mobile stations (*i.e.*, the published information is also published before group creation and is used to facilitate group creation). Therefore, even if *Forsyth* is properly combinable with *Torvinen*, which the Applicants submit is not the case, *Forsyth* and *Torvinen* still fail to teach or suggest each and every feature of claim 65, as recited in claim 65.

With regards to the obviousness rejection of the claims, the Examiner has not provided any realistic suggestion or motivation for combining the *Torvinen* and *Forsyth* references. To the contrary, *Torvinen* and *Forsyth* explicitly teach away from each other, meaning that there can be no reasonable expectation of success for one skilled in the art to use the teachings of *Torvinen* and *Forsyth* to arrive at the presently claimed subject matter. Further, even if combined, *Torvinen* and *Forsyth* still fail to teach or suggest all of the features of the claimed subject matter.

It is submitted that the Examiner has failed to provide any of the elements needed to make out a *prima facie* case of obviousness. Rather, the Examiner appears to be engaged in an impermissible hindsight analysis, attempting to construct the Applicants' invention by piecing together multiple prior art references of limited relevance, and constituting non-analogous art.

It is submitted that claim 65 recites patentable subject matter. Independent claims 94, 103, 104, 113, and 114 were also rejected on the same basis and are patentable for the same reasons. The remaining claims are dependent on claims 65, 94, 103, 104, 113, and 114 and are patentable for the same reasons.

CONCLUSION

In view of the remarks above, Applicants respectfully submit that the application is in proper form for issuance of a Notice of Allowance and such action is requested at an early date.

Respectfully submitted,

David C. Jenkins
Registration No. 42,691
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
(412) 566-1253